

## **FISCAL NOTE**

### **HB 1915 - SB 1886**

March 22, 2001

#### **SUMMARY OF BILL:**

- Requires the court to order individuals convicted of a DUI within five years of a prior conviction to undergo a drug and alcohol assessment and receive treatment as appropriate.
- Removes requirement that such treatment be "inpatient."
- Requires individuals convicted of a DUI within five years of a prior conviction to only operate a motor vehicle or motorcycle with an ignition interlock device for a period of six months after the license revocation period, unless they are operating a vehicle owned or provided by their employer in the course of their employment.
- Provides for funds from the Alcohol and Drug Addiction Treatment Fund to be used to pay costs associated with the ignition interlock device.
- Provides for the Department of Health to promulgate rules to establish reasonable criteria for application of funds from the Alcohol and Drug Addiction Treatment Fund.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - Exceeds \$1,000,000/Alcohol and Drug Addiction Treatment Fund**

**Other Fiscal Impact - In the absence of the enactment of a repeat offender law, \$5,700,000 in federal funds for FY01-02 and \$11,400,000 for FY02-03 and subsequent years currently used for the Surface Transportation Program, Interstate Maintenance, or the National Highway System would be restricted for use through required transfer to Section 402 safety programs.**

Estimate assumes:

- drug and alcohol assessments could be performed within existing resources as there is already an assessment procedure in place and approximately 3,000 multiple offenders would be subject to assessment.
- with the option of outpatient treatment available under the provisions of the bill, an estimated 1,500 offenders will be ordered to receive either inpatient or outpatient treatment. The cost of an inpatient treatment program is approximately \$2,300 per offender. Outpatient treatment is less costly. An estimated 50% of those ordered to receive treatment will pay for their own treatment.
- 1,000 offenders will be required to get the ignition interlock device. The cost of installing and monitoring such device for six months is \$450 each. 75% of these offenders will pay for their own ignition interlock device.
- the Department of Health reports that spending from the Alcohol and Drug Addiction Treatment Fund is limited to the \$1,000,000 appropriated annually.
- under T.C.A. 55-10-403(a)(4)(B), "the court is not empowered to order the expenditure of public funds to provide treatment"; therefore, the use of the Alcohol and Drug Addiction Treatment Fund or other public funds to pay for treatment under the provisions of the bill is assumed to be permissive.

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



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James A. Davenport, Executive Director